

REMARKS

The application is believed in condition for allowance at least for the reasons set forth below.

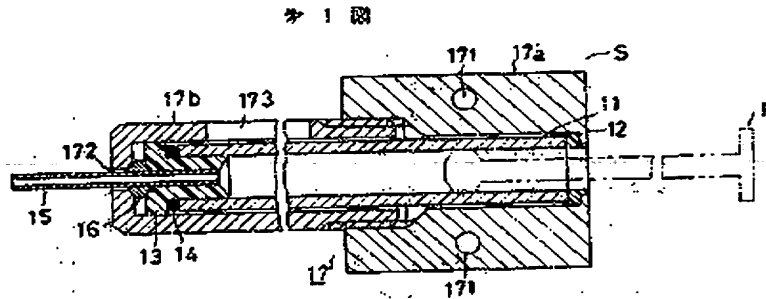
Claims 45-47 and 49-89 are pending in the application. Claims 56 and 58-86 are withdrawn from consideration as being drawn to a non-elected species.

Claims 45-47, 49-52, 87 and 88 were rejected as anticipated by YAMASHITA JP 55-073352. That rejection is respectfully traversed.

To anticipate a claim, the identical invention must be shown in as complete detail as is contained in the claim.

Claim 45 recites that one end of a hollow element comes into contact with a base of a needle. Claim 45 further recites that the hollow element and the needle are held fastened to each other at the base.

The Derwent abstract for YAMASHITA supplied by the Applicants as part of the Information Disclosure Statement filed March 19, 2001 provides a pipe 15 (needle) is inserted through an o-ring into a center hole of cap 13. Thus, needle 15 and cap 13 are two separate elements, one inserted into the other.



As seen in Figure 1 of YAMASHITA (reproduced above), it is cap 13 that is in contact with one end of hollow element 11. YAMASHITA does not disclose or suggest that a hollow element comes into contact with a base of a needle as recited.

As further seen in Figure 1 of YAMASHITA, the base of needle 15 is resting on cap 13. The needle is not fastened to the hollow element at the base.

Applicants are using the term "fastened" as would be readily understood by one of ordinary skill in the art, e.g. "to become attached, fixed, or joined." *The American Heritage® Dictionary of the English Language, Fourth Edition.*

In YAMASHITA, absent o-ring 16, needle 15 would be slidable within cap 13. Thus, o-ring 16 fixes the needle 15 to the cap. YAMASHITA does not disclose or suggest the needle being fastened to the hollow element at the base (of the needle) as recited.

As the reference does not disclose that which is recited, the anticipation rejection is not viable. Reconsideration and withdrawal of the rejection are respectfully requested.

As to the position set forth in the Official Action that the recited relationship between the casing and the hollow member is a function relationship, as previously set forth in the amendment of May 17, 2005, the relationship between the casing and hollow member is structural to prevent damage to the hollow member.

Nevertheless, even if one were to view the relationship as functional, to anticipate a claim, the prior art reference must be capable of performing the recited function.

Claim 45 recites that the casing surrounds the hollow element with substantially zero clearance and strengthens the hollow element against radial pressure.

The reservoir 11 of YAMASHITA is glass, which is a rigid material. Having substantially zero clearance would not allow for thermal expansion and contraction of the glass such that the glass would break against the casing if there were zero clearance.

One of ordinary skill in the art would understand that the recited casing prevents the reservoir from damage or deformation by there being substantially zero clearance between the reservoir and the casing so that any radial forces exerted on

the reservoir are absorbed by the casing without causing damage to or deformation of the reservoir.

Neither the advantages of such structural relationship between casing and reservoir are recognized by YAMASHITA, nor is the glass reservoir of YAMASHITA able to expand against radial forces and be strengthened by the casing.

Thus, regardless of whether the casing/hollow member relationship is structural (as argued by applicants) or functional (as argued by the Examiner), YAMASHITA does not meet the limitations of the claim.

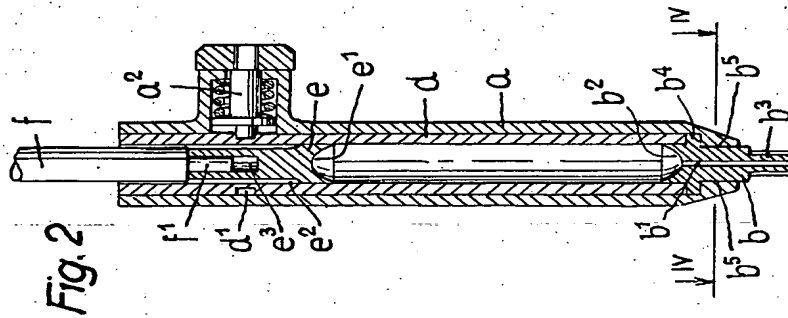
As the reference does not disclose that which is recited, the anticipation rejection should be withdrawn.

Claims 45, 47, 49, 51, 52 and 87-89 were rejected as anticipated by ROOS 2,537,550. That rejection is respectfully traversed.

Claim 45 recites that a piston comes into direct contact with a base (of a needle). Claim 45 also recites that a hollow element and the needle are held fastened to each other at the base, by a casing. Accordingly, the casing holds the hollow element and needle together.

ROOS meets neither of these limitations as set forth below.

First, as seen in Figure 2 of ROOS (reproduced below), there are cavities e^1 and b^2 that prevent direct contact of the piston e with the base of the nozzle b .



Thus, in ROOS, the piston does not come into direct contact with the base.

Second, ROOS at column 2, lines 15-21 disclose that bush d is provided with a circumferential groove d¹ adapted to be engaged by a spring-loaded headed pin a² disposed in a housing secured to case a.

Accordingly, the nozzle b of ROOS is fixed to the hollow element (bush d) by a spring-loaded headed pin a² disposed in a housing secured to the casing that is inserted into a groove in the bush d. ROOS does not disclose or suggest that it is the casing itself that fastens the hollow element to the needle.

As the reference does not disclose that which is recited, claim 45 is not anticipated by ROOS.

Independent claim 89 recites an internal surface of a housing directly contacts an external surface of the reservoir along an entirety of the external surface.

As seen in Figure 2 of ROOS (above), at least the area of the groove d¹ (at the bottom of the figure) and the area above and below the groove d¹ and the groove d¹ itself (at the top of

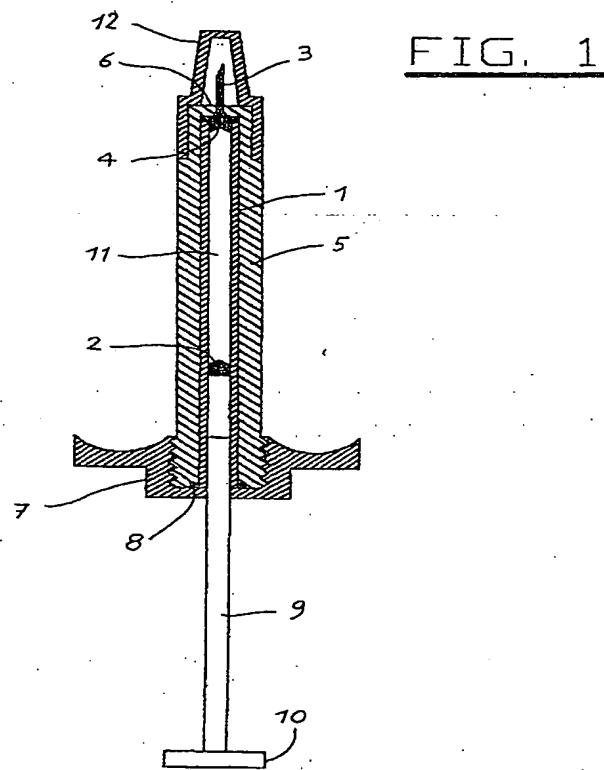
the figure) do not contact the housing a. Thus, less than an entirety of the external surface contacts the housing a. Accordingly, ROOS does not meet each of the recited limitations.

As this reference does not disclose that which is recited, the anticipation rejection is not viable. Reconsideration and withdrawal of the rejection are respectfully requested.

Claims 45-47, 49-52 and 87-89 were rejected as anticipated by DECHELLIS et al. 4,921,486. That rejection is respectfully traversed.

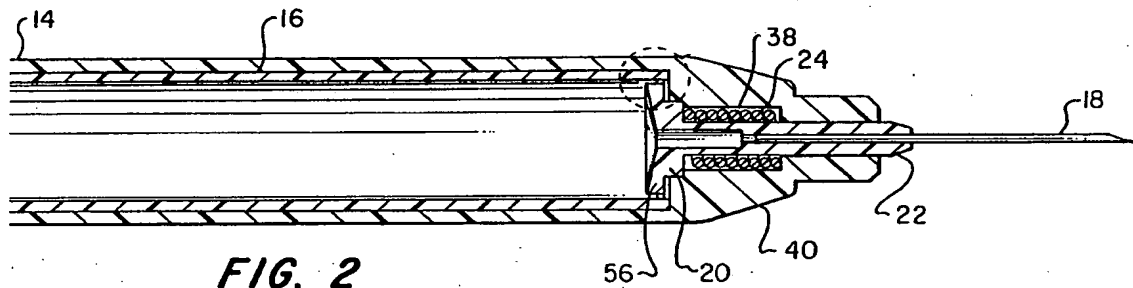
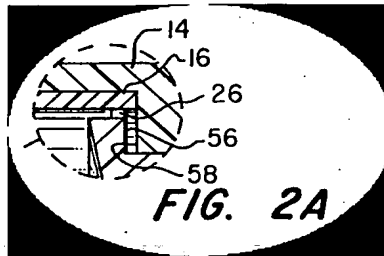
Claim 45 provides that the hollow element and the needle are held fastened to each other by a casing. Claim 89 provides that the needle is fixedly engaged between the reservoir and the housing.

By way of example, Figure 1 of the present invention (reproduced below), shows the hollow element 1 and the base of the needle 4 fastened to each other by casing 5 and the needle 4 between the hollow element 1 and the casing (housing) 5.



The needle of DECHALLIS is a retractable needle that can be stored inside the reservoir 16 for disposal as seen in Figure 3, for example. A plurality of frangible links 26 keep the needle 18 in place against the forces of spring 24. When the links are broken due to shearing action, the spring 24 forces the needle 18 into the reservoir body 16.

In the unbroken position, shown in Figure 2A of DECHELLIS, (reproduce below) and Figure 2 (reproduced in relative part below), the links 26 are connected to the needle support member 20 and the wall of the reservoir body 16.



Based on these figures and the aforementioned remarks, it is clear that DECHELLIS discloses neither that the casing fastens the hollow element and needle as recited in claim 45, nor that the needle is between the reservoir and the housing as recited in claim 89.

Rather, as set forth above, the needle of DECHELLIS is connected to the reservoir by a frangible link 26, without being between the reservoir and the housing.

Moreover, the needle of DECHELLIS could not be between the reservoir and housing, because such configuration would not enable the needle to be retractable into the housing as required by DECHELLIS.

As this reference does not disclose that which is recited, the anticipation rejection is not viable.

Reconsideration and withdrawal of the rejection are respectfully requested.

Claims 53-55 and 57 were rejected as unpatentable over YAMASHITA in view of HIGASHIKAWA 5,704,918. That rejection is respectfully traversed.

HIGASHIKAWA is only cited for the teaching of an outer casing and two inner tubes that form a reservoir. HIGASHIKAWA does not teach or suggest what is recited in claim 45. As set forth above, YAMASHITA does not disclose or suggest what is recited in claim 45. Since claims 53-55 and 57 depend from claim 45 and further define the invention, the proposed combination of references would not render obvious claims 53-55 and 57.

In view of the foregoing remarks, it is believed that the present application is in condition for allowance. Reconsideration and allowance of all claims pending in the application are respectfully requested.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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